



11-22-04  
ATTORNEY DOCKET NO.  
064247.1017  
(P004E045)

IFW #1  
PATENT  
10/825,021  
PCA

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shannon V. Davidson et al.  
Serial No.: 10/825,021  
Filing Date: April 15, 2004  
Title: *System and Method for Topology-Aware Job Scheduling and Backfilling in an HPC Environment*

**Mail Stop: Petitions**  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

"EXPRESS MAIL"  
Express Mailing Label EV 473952025 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

*Willie Jiles*

Willie Jiles

Date: November 19, 2004

**Amendment and Petition for Correction of Inventorship**  
**in a Patent Application Under 37 C.F.R. § 1.48**

Applicant submits this Amendment and Petition pursuant to 37 C.F.R. § 1.48 to correct the original naming of inventors. Applicants respectfully request that the application be amended to state the true inventive entity. Please delete the following, previously named persons as joint inventors of the above-identified patent application:

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 1. James D. Ballew                    | 2. Gary R. Early                      |
| 500 Woodhill Court                    | 506 Newberry Drive                    |
| Grapevine, Texas 76051                | Allen, Texas 75013                    |
| Tarrant County                        | Collin County                         |
| Citizenship: United States of America | Citizenship: United States of America |

11/24/2004 ZJUHA1 00000100 10825021

01 FC:1460

130.00 DP

Please add the following, previously omitted named person as joint inventor of the above-identified patent application:

3. Anthony N. Richoux  
2670 Orchid Drive  
Richardson, Texas 75082-4246  
Collin County  
Citizenship: United States of America

Enclosed herewith is:

1. Consent of Assignee for Correction of Inventorship Under 37 C.F.R. § 1.48(a);
2. A check in the amount of \$130.00 as required by 37 C.F.R. § 1.17(i);
3. Statement from Person Being Deleted as an Inventor Under 37 C.F.R. § 1.48(a) signed by inventor, James D. Ballew, who through error was named as an inventor, that the error arose without any deceptive intention on the part of Mr. Ballew;
4. Statement from Person Being Deleted as an Inventor Under 37 C.F.R. § 1.48(a) signed by inventor, Gary R. Early, who through error was named as an inventor, that the error arose without any deceptive intention on the part of Mr. Early;
5. Statement from Person Being Added as an Inventor Under 37 C.F.R. § 1.48(a) signed by inventor, Anthony N. Richoux, who through error was not named as an inventor, that the error arose without any deceptive intention on the part of Mr. Richoux;
6. Assignment, from Shannon V. Davidson, and Anthony N. Richoux to Raytheon Company;
7. Assignment Cover Sheet;
8. A check in the amount of \$40.00 to cover the Assignment recordal fee as required by 37 C.F.R. § 1.21(h);
9. Request for Recordation of Assignment; and
10. Declaration and Power of Attorney signed by Shannon V. Davidson, and Anthony N. Richoux as required by 37 C.F.R. § 1.63.

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Applicants believe that no other fees are due; however, if any additional fees are required, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants



Travis W. Thomas  
Reg. No. 48,667

Date: November 19, 2004

Correspondence Address:

**Customer Number            05073**



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address, and citizenship are as stated below next to my name; I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEM AND METHOD FOR TOPOLOGY-AWARE JOB SCHEDULING AND BACKFILLING IN AN HPC ENVIRONMENT**, filed on April 15, 2004, as U.S. Application No. 10/825,021. I have reviewed and understand the contents of the above-identified specification, including the claims; and I acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Date Filed	Priority Claimed (Yes) (No)
-----NONE-----			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Serial Number</u>	<u>Date Filed</u>	<u>Status</u>
-----NONE-----		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and

Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application</u> <u>Serial Number</u>	<u>Date Filed</u>	<u>Status (Patented, Pending, Abandoned)</u>
-----NONE-----		

I hereby appoint the following as my attorneys/agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities:

The practitioners at Customer Number **45507**

Send Correspondence To:  
Jerry W. Mills  
at Customer No. 45507

Direct Telephone Calls To:  
Kevin J. Meek  
at (214) 953-6680

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Inventor:

Shannon V. Davidson

Inventor's Signature:

Shannon V. Davidson

Date:

11/4/2004

Residence (City, County, State):

Hillsboro, Jefferson County, Missouri

Citizenship:

United States of America

Post Office Address:

3484 Jarvis Road  
Hillsboro, Missouri 63050-3822

ATTORNEY DOCKET NO.  
064747.1017

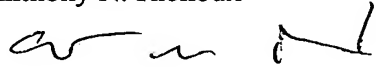
PATENT APPLICATION  
10/825,021

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Full Name of Inventor:

Anthony N. Richoux

Inventor's Signature:

  
\_\_\_\_\_

Date:

11-03-04

Residence (City, County, State):

Richardson, Collin County, Texas

Citizenship:

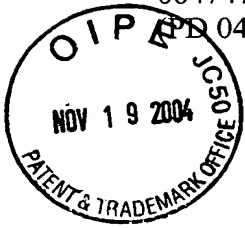
United States of America

Post Office Address:

2670 Orchid Drive  
Richardson, Texas 75082-4246

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APP 04E045)

PATENT  
10/825,021



1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shannon V. Davidson et al.  
Serial No.: 10/825,021  
Filing Date: April 15, 2004  
Title: *System and Method for Topology-Aware Job Scheduling  
and Backfilling in an HPC Environment*

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**Consent of Assignee for Correction of Inventorship**

**Under 37 C.F.R. § 1.48(a)**

I, John J. Snyder, Patent Counsel of Raytheon Company, represent that Raytheon Company, having a place of business at 870 Winter Street, Waltham, Massachusetts, 02451-1449, is the assignee and the exclusive owner of the entire right, title, and interest of, in, and to U.S. Application Serial No. 10/825,021, filed April 15, 2004, for SYSTEM AND METHOD FOR TOPOLOGY-AWARE JOB SCHEDULING AND BACKFILLING IN AN HPC ENVIRONMENT, as evidenced by the copies of the Assignments attached hereto; that I am empowered to act on behalf of Raytheon Company, and that I have reviewed the evidentiary documentation and certify that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Raytheon Company hereby consents to the correction of inventorship filed herewith.

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PATENT  
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The above stated facts are true to the extent based on my personal knowledge and are otherwise believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed this 15<sup>th</sup> day of November, 2004, at Dallas, TX, U.S.A.

Date: 11/15/04

John J. Snyder  
John J. Snyder  
Patent Counsel  
Raytheon Company





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	James D. Ballew et al.
Serial No.:	10/825,021
Filing Date:	April 15, 2004
Title:	<i>System and Method for Topology-Aware Job Scheduling and Backfilling in an HPC Environment</i>

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**Statement from Person being Deleted as Inventor**  
**Under 37 C.F.R. § 1.48(a)**

**I, James D. Ballew, declare and state the following:**

1. I have reviewed and understand the contents of the above-identified patent application, drawings, and claims. I submit this statement in support of the Petition for Correction of Inventorship in a Patent Application Under 37 C.F.R. § 1.48.
2. My name should be omitted from the above-identified application for a patent and this error was without deceptive intent on my part.

2

Executed this 2 day of Nov, 2004, at Garland, Texas,  
U.S.A.

Full name of the  
deleted Inventor:

James D. Ballew

Inventor's Signature:

James D Ballew

Date:

11/02/04

Residence (City, County, State)

Grapevine, Tarrant County, Texas

Citizenship

United States of America

Post Office Address

500 Woodhill Court  
Grapevine, Texas 76051



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James D. Ballew et al.  
Serial No.: 10/825,021  
Filing Date: April 15, 2004  
Title: *System and Method for Topology-Aware Job Scheduling  
and Backfilling in an HPC Environment*

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**Statement from Person being Deleted as Inventor**  
**Under 37 C.F.R. § 1.48(a)**

I, Gary R. Early, declare and state the following:

1. I have reviewed and understand the contents of the above-identified patent application, drawings, and claims. I submit this statement in support of the Petition for Correction of Inventorship in a Patent Application Under 37 C.F.R. § 1.48.
2. My name should be omitted from the above-identified application for a patent and this error was without deceptive intent on my part.

Executed this 26 day of October, 2004, at Garland, Texas,

U.S.A.

Full name of the  
deleted Inventor:

Gary R. Early

Inventor's Signature:

Gary R. Early  
10/26/2004

Date:

Residence (City, County, State)

Allen, Collin County, Texas

Citizenship

United States of America

Post Office Address

506 Newberry Drive  
Allen, Texas 75013



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James D. Ballew et al.  
Serial No.: 10/825,021  
Filing Date: April 15, 2004  
Title: *System and Method for Topology-Aware Job Scheduling  
and Backfilling in an HPC Environment*

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**Statement from Person being Added as Inventor**

**Under 37 C.F.R. § 1.48(a)**

I, Anthony N. Richoux, declare and state the following:

1. I have reviewed and understand the contents of the above-identified patent application, drawings, and claims. I submit this statement in support of the Petition for Correction of Inventorship in a Patent Application Under 37 C.F.R. § 1.48.
2. My name was omitted from the above-identified application for a patent and this error was without deceptive intent on my part.

Executed this 3 day of Nov, 2004, at Gauland, Texas,  
U.S.A.

Full name of the  
omitted Inventor:

Anthony N. Richoux

Inventor's Signature:

Anthony N. Richoux

Date:

11-03-04

Residence (City, County, State):

Richardson, Collin County, Texas

Citizenship:

United States of America

Post Office Address:

2670 Orchid Drive  
Richardson, Texas 75082-4246